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**GOVERNMENT NOTICE**

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**DEPARTMENT OF TRANSPORT**

No. R. 657

20 July 2001

**AVIATION ACT 1962 (ACT NO 74 OF 1962)****PROPOSED AMENDMENTS TO THE CIVIL AVIATION REGULATIONS, 1997**

Under regulation 11.03.2(1)(a) of the Civil Aviation Regulations, the Chairperson of the Civil Aviation Regulations Committee (CARCOM) hereby publishes for comment the proposed amendment(s) to the Civil Aviation Regulations, 1997, as set out in the schedules. Any comments or representations on the proposed amendment(s) should be lodged in writing with the Chairperson of the Regulations Committee, for attention Mr. Kim Gorringe or Mr. Herman Wildenboer, Private Bag X08, Waterkloof, 0145, fax: (012) 346-5979, or e-mail at [goringek@caa.co.za](mailto:goringek@caa.co.za) or [wildenboerh@caa.co.za](mailto:wildenboerh@caa.co.za), before or on 20 August 2001.

**SCHEDULE 1****1. Proposal to amend regulation 91.04.26 of Part 91 of the CAR, 1997****Proposer:**

Civil Aviation Authority  
Private Bag X08  
Waterkloof  
0145

**Explanation of interest of the Proposer**

The Proposer administers the Aviation Act, 1962 (Act No. 74 of 1962) and regulations and technical standards issued in terms thereof.

**1.1 Proposed amendment of regulation 91.04.26****Emergency locator transmitter**

**91.04.26** (1) No owner or operator of –

- (a) an aircraft to be operated on extended flights over water or over areas where search and rescue would be especially difficult;
- (b) an aeroplane with a maximum certificated mass exceeding 5 700 kg or an approved passenger seating configuration of more than 9 seats;

- (c) a helicopter with an approved passenger seating configuration of more than 19 seats; or
- (d) any South African registered aircraft engaged in an international commercial air transport operation;

shall operate such aircraft unless it is equipped with one or more approved emergency locator transmitters (ELTs).

- (2) The number and type of emergency locator transmitters, the manner in which these shall be carried, the specifications to which they shall adhere, the frequencies on which they shall be able to transmit, and the manner in which they are to be maintained, shall be as prescribed in Document SA-CATS-OPS 91.
- (3) The following aircraft are exempted from the requirements prescribed in sub-regulation (1):
  - (a) aircraft engaged in flights remaining within a radius of 50 nautical miles from their point of departure;
  - (b) aircraft engaged in the aerial application of chemicals or other substances for agricultural purposes, and on flights incidental thereto;
  - (c) a new aircraft on a flight for a purpose associated with its manufacture, preparation or delivery;
  - (d) an aircraft flown for the purpose of moving it to a place to have an approved ELT fitted, or a fitted ELT repaired, removed or overhauled: Provided that only the required flight crew members may be carried on board;
  - (e) an aircraft of which the ELT has been temporarily removed for inspection, repair, modification or replacement: Provided the necessary logbook entries have been made, a placard stating "ELT not installed or carried" has been installed in a position easily visible to the flight crew, and a period of 90 days is not exceeded;
  - (f) aircraft certified for research and development purposes;
  - (g) aircraft used for showing compliance with regulations, or in crew training, air racing, air display, or market surveys;
  - (h) aircraft with an approved seating configuration of not more than one person;
  - (i) aircraft exempted in terms of Part 94; and
  - (j) any aircraft on a flight or a series of flights for which an exemption in writing has been granted by the Commissioner.
- (4) The Commissioner shall maintain a register of all aircraft equipped with 406 MHz ELTs. The register shall contain the following particulars:
  - (a) The nationality and registration marks of the aircraft;

- (b) Particulars of the manufacturer's designation and serial number of the aircraft;
  - (c) The full name and contact details of the registered owner of the aircraft;
  - (d) The make and model number/s of the ELT/s;
  - (e) The 15-digit Unique Identification Number (UIN) provided by the manufacturer of the ELT, or the aircraft's Mode S transponder code; and
  - (f) The name/s and contact details of the person/s who know/s the aircraft's itinerary and who may be contacted 24 hours a day.
- (5) On the payment of the appropriate fee as prescribed in Part 187, an excerpt of the ELT register shall be furnished by the Commissioner to any person who requests such an excerpt.

### 1.2 Motivation:

To bring South African regulation in line with the minimum standards set by ICAO, and with best international practices.

While ICAO in Annex 6 restricts its requirement to international commercial operations involving –

- (a) aeroplanes on long-range over-water flights;
- (b) all Class 1 and 2 Class helicopters on extended flights over water;
- (c) all Class 3 helicopters on over-water flights outside autorotation range of the nearest shore; and
- (d) all international commercial flights over designated land areas;

past experience has shown that in most cases the location of an aircraft come down in South Africa is difficult to locate, incurring huge costs in search and rescue. For that reason, the whole of South Africa is considered to be a designated land area in terms of the ICAO standard, and the requirement is being extended for domestic and non-commercial operations, except where specifically exempted in terms of these regulations.

### 1.3 Current regulation:

#### Automatic emergency locator transmitter

91.04.26 (1) No owner or operator of –

- (a) an aircraft to be operated on extended flights over water or over areas where search and rescue would be especially difficult;

- (b) an aeroplane with a maximum certificated mass exceeding 5 700 kg or a maximum approved passenger seating configuration of more than 9 seats; or
- (c) a helicopter with an approved passenger seating configuration of more than 19 seats;

shall operate such aircraft unless it is equipped with an automatic emergency locator transmitter.

- (2) The owner or operator shall ensure that the automatic emergency locator transmitter –
  - (a) is attached to the aircraft in such a manner that, in the event of a crash, the probability of such automatic emergency locator transmitter transmitting a detectable signal, is maximised, and the probability of such automatic emergency locator transmitter being damaged, is minimised; and
  - (b) complies with the specifications, and is capable of transmitting on the frequencies, as prescribed in Document SA-CATS-OPS 91.

**SCHEDULE 2****2. Proposal to amend Regulation 135.03.5 of Part 135 of the Regulations****Proposer:**

Civil Aviation Authority  
Private Bag X08  
Waterkloof  
0145

**Explanation of interest of the Proposer**

The Proposer administers the Aviation Act, 1962 (Act No. 74 of 1962) and regulations and technical standards issued in terms thereof.

**2.1 Proposed amendments of Part 135.03.5**

Substitute for sub-regulation 135.03.5 (1) the following sub-regulation:

**“Upgrading to pilot-in-command**

**135.03.5** (1) The operator of a small commercial air transport aeroplane shall ensure that, for an upgrade to pilot-in-command from co-pilot, and for a pilot joining as pilot in command, a minimum level of experience is specified in the operations manual, referred to in Regulation 135.04.2.”

**2.2 Motivation:**

It is proposed to delete current sub-regulations 135.03.5(1)(b) and 135.03.6(c) because these sub-regulations are in conflict with the privileges of the holder of a commercial pilot licence holder (aeroplane), as currently prescribed in ANR 2.26 and in Annex I ‘Personnel Licensing’ to the Convention on International Civil Aviation. These privileges limit the holder of a commercial pilot licence (aeroplane) to acting as co-pilot (and not as pilot-in-command) of an aeroplane engaged in commercial air transport operations that requires to be operated with a co-pilot.

The holder’s privileges are limited to acting as pilot-in-command of any aeroplane engaged in operations other than commercial air transport, and to acting as pilot-in-command in commercial air transport operations in any aeroplane certificated for single-pilot operation only.

**2.3 Current regulation:****(a) “Upgrading to pilot-in-command**

**135.03.5** (1) The operator of a small commercial air transport aeroplane shall ensure that, for an upgrade to pilot-in-command from co-pilot, and for a pilot joining as pilot in command –

- (a) a minimum level of experience is specified in the operations manual, referred to in Regulation 135.04.2; and
- (b) if multi-crew operations are contemplated, the co-pilot, as the case may be, completes an appropriate command course.”

**SCHEDULE 3****3. Proposal to delete regulation 135.03.6(c) of Part 135 of the Regulations****3.1 Proposed deletion of Regulation 135.03.6(c)**

The said regulation reads as follows :

**Pilot-in-command holding a commercial pilot licence 135.03.6** The operator of a small commercial air transport aeroplane shall ensure that –

- (a) a holder of a commercial pilot licence does not operate as pilot-in-command of an aeroplane...
- (b) ...
- (c) in multi-pilot flight crew operations, and prior to operating as pilot-in-command, the command course prescribed in Regulation 135.03.5(1) is completed.”

**3.2 Motivation**

The same motivation as provided in paragraph 2.2 in respect of this proposed amendment is applicable.

**3.3 Current provision :**

The said regulation is quoted in paragraph 3.1 above.

**SCHEDULE 4****4. Proposals to amend regulations 145.03.8, 145.05.8 and 145.08.8 of Part 145 of the Regulations****Proposer:**

Civil Aviation Authority  
Private Bag X08  
Waterkloof  
0145

**Explanation of interest of the Proposer**

The Proposer administers the Aviation Act, 1962 (Act No. 74 of 1962) and regulations and technical standards issued in terms thereof.

**4.1(1) Proposed amendment of Regulation 145.03.8 (Privileges of AMO's)**

The privileges of an aircraft maintenance organization... shall be-

- (a) ...
  - (i) ...
  - (ii) the manufacturing of components and parts in accordance with the appropriate approved specifications as prescribed in Part 21, if the manufacturing of the components and parts are necessary for the holder of the approval to complete a repair, modification or overhaul which he or she will certify.

**4.1(2) Proposed amendment of Regulation 145.05.8 (Privileges of AMO's)**

The privileges of an aircraft maintenance organization... shall be-

- (a) ...
- (b) ...
  - (i) ...
  - (ii) the manufacturing of components and parts in accordance with the appropriate approved specifications as prescribed in Part 21, if the manufacturing of the components and parts are necessary for the holder of the approval to complete a repair, modification or overhaul which he or she will certify.



**4.1(3) Proposed amendment of Regulation 145.08.8 (Privileges of AMO's)**

The privileges of an aircraft maintenance organization... shall be-

- (a) ...
- (b) ...
  - (i) ...
  - (ii) the manufacturing of components and parts in accordance with the appropriate approved specifications as prescribed in Part 21, if the manufacturing of the components and parts are necessary for the holder of the approval to complete a repair, modification, test or overhaul which he or she will certify.

**4.2 Motivations**

The specifications are as prescribed in Part 21 and are not repeated in document SA-CATS-AMO as per the current provision. Furthermore, grammar is corrected.

**4.3 Current provisions**

The privileges of an aircraft maintenance organisation shall be...

- (i) ...
- (ii) the manufacturing of components and parts in accordance with the appropriate approved specifications as prescribed in Document SA-CATS-AMO, if the manufacturing of the components and parts are necessary for the holder of the approval to complete a repair, modification(, test) or overhaul which it will certify.

*Please note that the 'Current Provision' has been repeated only once, as the text of the three sub-regulations differ only slightly.*